



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 07 2014

CERTIFIED MAIL 7012 1010 0001 8097 2393
RETURN RECEIPT REQUESTED

Ms. Alice Cannella, P.E.
Director, Waste Resources Division
City of Chattanooga
455 Moccasin Bend Road
Chattanooga, Tennessee 37405

Re: U.S. District Court Civil Action 1:12-cv-00245
City of Chattanooga Consent Decree
Demand for Stipulated Penalties

Dear Ms. Cannella:

The U.S. Environmental Protection Agency Region 4 is in receipt of the Quarterly Reports that the City of Chattanooga (Chattanooga) has submitted from the Quarterly Report Number 1 (dated October 30, 2013) to Quarterly Report Number 4 (dated July 28, 2014), in compliance with Section IX, (Reporting Requirements) of the Consent Decree.

Pursuant to Section X.48.a. of the Consent Decree, the EPA may assess a stipulated penalty (for each sanitary sewer overflow (SSO) reaching waters) in a dollar amount that is dependent on the size of the SSO and when the SSO occurred. The EPA could thus assess stipulated penalties totaling \$52,850.00 for the 151 SSOs that occurred from April 24, 2013, through June 30, 2014. As a result of the circumstances surrounding some of the SSOs, the EPA has decided to exercise its enforcement discretion to not demand the full amount of stipulated penalties that could be assessed. Therefore, after review of the submitted documentation, the EPA hereby demands stipulated penalties, pursuant to Section X.48.a. of the Consent Decree in the amount of \$42,350.00.

In accordance with Section X.50. of the Consent Decree, Chattanooga shall pay (within 30 days of receipt of this letter) \$42,350.00 to the United States. Payment shall be made pursuant to Section X.53. of the Consent Decree.

If you should have any questions, please have your attorneys contact Mr. William Bush, Associate Regional Counsel assigned to this matter, at (404) 562-9538.

Sincerely,

A handwritten signature in blue ink, appearing to read "Denise D. Diaz". The signature is fluid and cursive, with the first name "Denise" and last name "Diaz" clearly distinguishable.

Denise D. Diaz, Chief
NPDES Permitting and Enforcement Branch
Water Protection Division

cc: Mr. Karl Fingerhood
U.S. Department of Justice, Washington, D.C.

Mr. Phillip Hilliard
Office of the Attorney General

Ms. Jessica Murphy
Tennessee Department of Environment and Conservation

Mr. Donald L. Norris
City of Chattanooga

Mr. Wade Hinton
City of Chattanooga

Mr. Adam Sowatzka
King & Spalding LLP

Ms. Stephanie Matheny
Tennessee Clean Water Network